Clause, the Supremacy Clause, and the controlling authority of this Court's rulings have all been trampled and made a mockery of in the N.C. courts, despite the *pro se* petitioner's diligent efforts seeking justice. Such flagrant actions require that justice be done and that guiding, controlling authority issue from this Court to insure the same threat is removed from all future *pro se*, and other, litigants and that our bedrock constitutional principles and protections that are vital to all Americans cannot be similarly trampled in the future. Otherwise, in the future any states' county court judge will be free to repeat the same actions that make a mockery of our constitutional protections and the case law authority of this Court.

CONCLUSION

The Court should grant this petition and implement the necessary guidelines to prevent future such injustice upon *pro se* litigants and others and to insure that the constitutional protections, which were abused and violated in the instant case in the North Carolina state courts, cannot be so abused and violated in any of our Nations' state courts in the future.

A valid, final, federal money judgment merits the same full faith and credit enforceability in a sister states' state courts that it has in the issuing state's federal court, pursuant to the Constitutional mandates of both the Supremacy and Full Faith and Credit Clauses. The sister states' state courts must not be able to subvert and manipulate their local laws and policies to obstruct and defeat the enforcement of such a final federal judgment and thereby effectively defy the Constitution.

Respectfully submitted,

PAULL ANDERSON
P.O. Box 16151
Bristol, Virginia 24209
(276) 466-5855
Pro Se

APPENDIX A - PLAINTIFF'S PETITION FOR WRIT OF CERTIORARI TO THE NORTH CAROLINA SUPREME COURT

No. COA04-715 TWENTY-SIXTH DISTRICT

NORTH CAROLINA SUPREME COURT

PAULL ANDERSON,	)	
	)	From
Plaintiff,	)	Mecklenburg County
	)	No. 03-CVS-16356
vs.	)	
	)	
JULIUS JENNINGS WADE, JR., JAMES H. WADE, MARGARET L. GODLEY, GODLEY, INC., and WADE AND WADE, ATTORNEYS AT LAW,	)	ORDER
	)	
Defendants.	)	

PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE NORTH CAROLINA SUPREME COURT:

Plaintiff, Paull Anderson, pro se, respectfully petitions the North Carolina Supreme Court to issue its writ of certiorari pursuant to Rule 21 of the Rules of Appellate Procedure to review the order of Mecklenburg Superior Court Judge

Marvin K. Gray dated 12 December 2003 denying plaintiff's motion to enforce his foreign judgment and in support of this petition shows the following:

CASE AND FACTS

1. On 23 September 2003, Plaintiff filed this action to domesticate his Kentucky foreign judgment in North Carolina by filing his Affidavit, with pertinent exhibits, and properly authenticated Abstract of Judgment in the Mecklenburg County Office of the Clerk of the Superior Court, in compliance with N.C.G.S. § 1C-1703, and served copies on the defendants in compliance with 1C-1704 and Rule 44 N.C. Rules of Civil Procedure.

2. Defendants submitted Notices of Defense and Motions for Relief from the Judgment, the plaintiff submitted his Motion to Enforce Foreign Judgment, and a hearing was set for 10 December 2003 to hear plaintiff's motion.

3. On 4 December 2003, a week prior to the scheduled hearing, plaintiff submitted his Memorandum, (Attached herewith as Exhibit A is a copy of said Memorandum, without its exhibits), to Judge Gray to insure that Judge Gray had plenty of time and opportunity to properly review and consider its important arguments and supporting case law authority prior to the 10 December hearing of plaintiff's motion. The Memorandum presented a plethora of authority which plaintiff contended was controlling, justified the enforcement of plaintiff's valid foreign judgment, and solidly refuted the defendants' objections, defenses and motions for relief from the enforcement of plaintiff's foreign judgment. (See Exhibit A, pages 7 – 44)

4. Defendants subsequently submitted their Memorandums in Support of Responses and Notices of Defenses and Motions for Relief from Judgment after which the Plaintiff submitted his Reply to Defendants' Memorandums.

5. At the 10 December hearing, Judge Gray admitted that he had not read plaintiff's 4 December Memorandum although he said he had read plaintiff's Reply of 9 December. (T.p. 3) Plaintiff emphatically argued that it was crucial his Memorandum and its cited authority be later thoroughly reviewed and properly considered prior to any ruling:

"And, again, I emphasize the crucial importance of your Honor carefully later reviewing my brief and my case citations because if you don't do that and you depend just on what I say today - - you know I'm not a lawyer and I'm doing the best I can, but I've tried to be comprehensive in my brief and it contains all the case authority.... Well, then I respectfully request that your Honor carefully review my brief and my cases therein because they are my case, they are my argument, they are everything....And, again, of course, it's necessary to refer to the brief and to the case citations because they are - - they go in detail...(T. p. 34 line 17 through p. 36 line 4)...That's the authority I hang my hat on, the Sixth Circuit, those three judges, Judge Hood and the case law authority that I have submitted in detail in my briefs." (T.p. 44, lines 7-10)

6. At the conclusion of the 10 December hearing Judge Gray ruled denying plaintiff's Motion to Enforce Foreign Judgment. Judge Gray's ruling did not make any findings of fact, only conclusions of law; notwithstanding the specific request, in plaintiff's Memorandum, at page 44 para. IX, that the trial judge make findings of fact and conclusions of law pursuant to Rules 41(b) and 52(a), N.C. Rules of Civil Procedure. Judge Gray's ruling was as follows:

"The Plaintiff's action to have a foreign judgment enforced in North Carolina is denied. It does not comply with the Rules of Civil Procedure, including Rule 60; it does not comply with Rule 1C-1703 of the General Statutes of North Carolina; it does not comply with Chapter 1D of the General Statutes of North Carolina; it is against the public policy of

North Carolina, and it does not comply with other applicable Rules of Civil Procedure in North Carolina." (T. p. 46)

7. When Judge Gray suddenly announced his ruling the plaintiff objected and excepted that the ruling had issued without having afforded plaintiff's Memorandum and its extensive, cited authority a proper review, and specifically that:

"Your Honor, I'd like to note that the objection is also based on the fact that your honor has not granted review of my brief and without reviewing my brief and the case law authority I believe I am being unfairly dealt with." (T. p. 47 lines 18-23)

8. The very next day after Judge Gray's ruling, the defendants' lawyers initiated their reprehensible ploy to corrupt, subvert and grossly misrepresent the lower court's ruling, taint and prejudice the appeal, take advantage of the *pro se* plaintiff, and further deny him justice and fundamental fairness. Defense counsel prepared a deceitful, dishonest, proposed order which grossly misrepresented the trial judge's ruling, to wit:

"1. Plaintiff has failed to comply with the mandatory requirements of Article 17, G.S. Section 1C-1701, et seq., particularly the provisions of N.C.G.S. Section 17-1703. 2. Plaintiff has not met his burden under the provisions of N.C.G.S. Section 1C-1705, nor has he complied with the North Carolina Rules of Civil Procedure. 3. The Judgment Plaintiff seeks to enforce is contrary to the public policies of the State of North Carolina, particularly the provisions of Chapter 1D of the North Carolina General Statutes. 4. Because the judgment Plaintiff seeks to enforce is violative of the North Carolina Public Policy, it is unenforceable pursuant to the provisions of N.C.G.S. Section 1C-1708. Based upon the foregoing findings of fact, the Court concludes as a matter of law that the above referenced findings, jointly and severally, mandate that Plaintiff's Motion to Enforce Foreign Judgment should be denied. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED

that Plaintiff's Motion to Enforce Foreign Judgment be and the same is, DENIED. Plaintiff's action is hereby DISMISSED WITH PREJUDICE and the Clerk hereby is Ordered to CANCEL the Foreign Judgment which appears of record in the Mecklenburg County Judgment Book 587 at page 267, Book 582 at page 109 and Book 555 at page 319." (Attached herewith as Exhibit B is a copy of said proposed order with cover letter)

9. A comparison of Judge Gray's ruling with the proposed order clearly exposes the dishonest, deceitful, and highly prejudicial nature of the proposed order, to wit:

(a) The dishonest, deceitful, proposed order changed the language in the ruling from "the action to have a foreign judgment enforced is improper" to the deceitful characterization that "The judgment plaintiff seeks to enforce is contrary...and violative"

(b) The deceitful proposed order also stated that the lower court had made findings of fact, that it had ruled a violation of N.C.G.S. Section 1C-1705, that it had ruled plaintiff had not met his burden under the provisions of 1C-1705, and that plaintiff's judgment is unenforceable pursuant to the provisions of 1C-1708. However, a comparison with the ruling reveals that these were all devious and dishonest fabrications by the defense lawyers and not part of the lower court's ruling. That "1C-1705" and "1C-1708" and "had not met his burden" and "the foregoing findings of fact" language was all devious, dishonest, fabrication and blatant misrepresentation. Also, Judge Gray simply made no findings of fact, as evidenced by his ruling. All of the issues contested by the defendants and ruled upon by the lower court concerned only application of North Carolina laws, specifically N.C.G.S. Section 1C-1701, et seq., and Chapter 1D and the N.C. Rules of Civil Procedure. In fact, the plaintiff had submitted the only pertinent statement of facts, and which went undisputed by the defendants.

(c) Furthermore, the dishonest, deceitful, proposed order included further dishonest, deceitful, fabricated language to have plaintiff's action dismissed with prejudice that ordered the clerk to cancel the foreign judgment as recorded in the Mecklenburg County Judgment Book. This reprehensible aspect of the ploy would have afforded the corrupt defendants a window to convey assets to further defraud the plaintiff and sabotage his efforts to ever enforce and collect the judgment.

10.

(a) Defendants' lawyers had their proposed order faxed to the plaintiff at 1131 Hours on 11 December 2003. (Attached herewith as Exhibit B is a copy of that fax, cover letter and proposed order) The cover letter stated that the proposed order would be tendered to Judge Gray at 1600 Hours, 4 1/2 hours later, unless he received an alternative order to submit at that time. Plaintiff saw the fax some considerable time after it was sent and tried to consider some response in the brief time he had to do so. He thusly did his best to put together a letter expressing his rushed thoughts at that time. When he then tried to fax it out the fax machine was not operating so he called the office of the defendants' lawyers and spoke to Ms. Crowley about the problem and informed her he was rushed but trying to get something out before the deadline. She suggested using E-Mail which he did and finally tried to redo his letter on E-Mail and send it out. (Attached herewith as Exhibit C is a copy of the E-Mail message)

(b) Plaintiff's E-Mail message attempted to express his concerns at that time under those rushed conditions. It reflects the plaintiff's concern that he could clearly disagree on the last paragraph of the proposed order and requested it be removed, noting that his recollections and notes from the hearing did not mention it as part of Judge Gray's ruling. Plaintiff also noted that "creatively adding anything (to the ruling) a day later would be highly improper and terribly unfair to me since it was not part of the ruling

and leaves me no chance to object to a day later and after the hearing was over. I would also need reasonable time to look into this development and possibly file a motion on the matter...Also, I certainly intend to file notice of appeal of the ruling, and it should stand verbatim as issued by Judge Gray. (emphasis added)...I appreciate your consideration in this matter and will await your reply."

(c) Plaintiff received no reply; instead, the defense lawyers went ahead and submitted both dishonest, deceitful proposed orders directly to Judge Gray denying plaintiff an opportunity to review what was intended to be submitted prior to its submission, and which would have afforded plaintiff some reasonable time to review and consider the situation. By summarily denying the plaintiff any reply, reasonable time for further consideration, and knowledge of the plan to submit both corrupt, proposed orders to Judge Gray, the defense lawyers were able to enhance their reprehensible subterfuge by quickly submitting both corrupted versions of the ruling which increased the possibility that Judge Gray would sign the first proposed order, which was the more corrupt of the two, and which the plaintiff had made clear he totally opposed.

(d) At that point in time the plaintiff only had his sketchy notes and recollections from the hearing to guide him. He had an impression that the part about "striking from the record" was not part of the ruling, thus he explicitly requested it be removed. However, only later, after he received a copy of the transcript of the hearing was he able to review the actual verbatim of the ruling and the full extent of the way it had been grossly subverted, corrupted and tainted by the dishonest, deceitful, treacherous proposed orders. If the plaintiff had access, through his notes or recollections, to that knowledge at the point he received the fax from the defense lawyers he could have and would have more strongly objected as he has subsequently done – since receiving the transcript of the hearing.

(e) Regardless of what the pro se farmer did, the issue here is what the defense lawyers did, in their misconduct before the lower court, and the fact that they willfully, intentionally, and knowingly perpetrated the dishonest, deceitful, reprehensible, proposed orders ploy to subvert and grossly misrepresent the ruling, to deceive and defraud the appeals courts, to deny plaintiff a fair appeal, and to violate the plaintiff's constitutional rights to due process, equal justice, and fundamental fairness. Their shameful, dishonest, deceitful actions back in December of 2003 documented and exposed their corrupt, dishonest mindsets and their contemptible *mens rea* at that point in time. Their actions today, a year later, trying to cover up, rationalize, and lie about their reprehensible actions reflects their ongoing deceitful, dishonest natures that refuse to change, much less admit truth. It also reflects their cowardly natures that are afraid to face the truth and admit and try to change their corrupt ways. Tragically, they are well along the path to emulating the incorrigible scoundrels they represent.

(f) Finally, it bears noting that this dishonesty and deceit stains the hands of all the defense lawyers equally; they all must wear the scarlet letter as dishonest, deceitful, rogue lawyers. They were all fully knowledgeable of what was going on at all times and they all consented fully to all of it through either their active participation, silent consent, and/or acts of commission or omission to allow all of these numerous, reprehensibly dishonest and deceitful actions to take place. Their efforts to deceive and defraud the appeals courts, and to violate plaintiff's right to a fair appeal, should be especially repugnant to this very Court.

Fortunately, plaintiff sensed some of the subterfuge and objected in his E-Mail letter, of 11 December 2003; however, it was only after much later receiving the transcript of the hearing that plaintiff realized the full scope of the dishonest, deceitful, proposed order subterfuge.

11. On 12 December, defendants' lawyers fabricated a second proposed order which was a slightly modified version of their first dishonest, deceitful, proposed order. The second version was also dishonest, deceitful and grossly misrepresented Judge Gray's ruling; it differed from the first only in that the last paragraph of the first version had been left out of the second version, to wit:

"1. Plaintiff has failed to comply with the mandatory requirements of Article 17, G.S. Section 1C-1701, et seq., particularly the provisions of N.C.G.S. Section 1C-1703. 2. Plaintiff has not met his burden under the provisions of N.C.G.S. Section 1C-1705, nor has he complied with the North Carolina Rules of Civil Procedure. 3. The Judgment Plaintiff seeks to enforce is contrary to the public policies of the State of North Carolina, particularly the provisions of Chapter 1D of the North Carolina General Statutes. 4. Because the judgment Plaintiff seeks to enforce is violative of the North Carolina Public Policy, it is unenforceable pursuant to the provisions of N.C.G.S. Section 1C-1708.CONCLUSIONS OF LAW Based upon the foregoing findings of fact, the Court concludes as a matter of law that the above referenced findings, jointly and severally, mandate that Plaintiff's Motion to Enforce Foreign Judgment should be denied. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Enforce Foreign Judgment be and the same is, DENIED." (T. p.p. – 167-168)

The defense lawyers did not submit the second version to the plaintiff for his information and response. Instead, they submitted both the first and the second versions of their dishonest, deceitful proposed orders together directly to Judge Gray for his consideration. Later that same day, of 12 December 2003, Judge Gray signed the second version of the defense lawyers' dishonest, deceitful, proposed orders. (R.p.p. 167 – 168)

12. On 31 December petitioner submitted timely notice of appeal, (R. p. 169), and thence obtained and timely

delivered copies of the transcript of the 10 December hearing to defendants' lawyers.

13. On 17 February 2004 petitioner timely submitted his proposed record on appeal to defendants, (R. p. 170), who subsequently submitted their timely objections on 9 March 2004.

14. On 12 March 2004, pursuant to Rule 11(c), N.C. Rules of Appellate Procedure, plaintiff submitted his request to settle the record on appeal to Judge Gray along with a copy of his proposed record on appeal; copies were sent to defendants' lawyers. (R. p.176) Judge Gray did not properly respond to the request, did not "set the hearing to settle the record on appeal by written notice to counsel for all parties setting a place and a time for a hearing to settle the record on appeal, ... hold such hearing not later than 15 days after service of the request for hearing upon the judge, ... and settle the record on appeal by order entered not more than 20 days after service of the request for hearing upon the judge," in compliance with Rule 11(c).

15. On 25 March 2004, plaintiff sent Judge Gray, by U.S. Mail and by telefax, a second letter requesting the hearing be set to settle the record on appeal in compliance with Rule 11(c), and which further inquired into Judge Gray's health or otherwise reasons for delay, (R. p. 177); copies were sent to defendants' lawyers.

Judge Gray did not properly respond to the plaintiff's second, distinct request, pursuant to Rule 11(c). Judge Gray did not "set the hearing to settle the record on appeal by written notice to counsel for all parties setting a place and a time for a hearing to settle the record on appeal, ... hold such hearing not later than 15 days after service of the request for hearing upon the judge, ... and settle the record on appeal by order entered not more than 20 days after service of the request for hearing upon the judge," in compliance with Rule 11(c).

16. The following morning, on 26 March 2004, plaintiff received a phone call from Judge Gray's courtroom

clerk, Mr. Richard Lockhard, instructing the plaintiff to phone the scheduling clerk, Ms. Helen Stonestreet, to have a hearing date set to settle the record on appeal and then notice the defendants of same, and he informed plaintiff that Judge Gray was not ill, was retired, and perhaps could not conduct the hearing. Plaintiff immediately complied with the instructions, phoned Ms. Stonestreet informing her of the situation and she set a hearing date for 5 May 2004, and then sent defendants' lawyers a notice of the hearing date along with a cover letter explaining the development. (R. pp. 178-179)

Plaintiff also took the trouble of phoning the office of Judge Gray's other clerk, Ms. Cathy Fletcher, to inquire about Judge Gray's health and capacity. She informed plaintiff that "Although Judge Gray has been retired he still sits and hears cases and was on the bench here last week with a case. He appears well." (Attached herewith as Exhibit D is a copy of plaintiff's Affidavit relating to these phone calls from Mr. Lockhard to plaintiff and from plaintiff to Ms. Fletcher)

17. On 5 May 2004 plaintiff attended the scheduled hearing and was surprised to find Superior Court Judge Richard D. Boner presiding. The good Judge Boner rescued the appeal from legal limbo and subsequently settled the record on appeal by his ruling that day and with his order of 12 May 2004. (R. pp. 180-182) Although Judge Boner had denied plaintiff's request to have his Memorandum and other documents, from the plaintiff's proposed record on appeal, included in the record on appeal Judge Boner advised plaintiff to petition the Court of Appeals to have them included – which the plaintiff subsequently did and which was later denied by this Court.

18. On 21 May 2004 Plaintiff submitted the settled record on appeal along with the official transcript of the 10 December 2003 hearing to the Clerk of the Court of Appeals where it was subsequently docketed on 24 May 2004.

19. On 28 May 2004, Defendant Godley's lawyers suddenly moved the N.C. Court of Appeals "to dismiss the Plaintiff-Appellant's appeal for failure to timely docket the Appeal."

20. On 3 June 2004 the Office of the Clerk of the N.C. Court of Appeals mailed out copies of the official printed record on appeal to the parties. References herein to that official printed record are designated "(R. p.)" whereas references herein to the official transcript of the 10 December 2003 hearing before Judge Gray are designated "(T. p.)" - following these standard reference designations pursuant to Rule 9(b)(4).

21. On 4 June 2004 plaintiff submitted a response to the defendants' motion to dismiss the appeal, contending that the appeal should not be dismissed.

22. On 9 June 2004 the N.C. Court of Appeals issued an order dismissing the appeal.

23. On 19 June 2004 plaintiff submitted a Notice of Appeal and a Petition for Discretionary Review to this Court.

24. On 1 July 2004 the defendants submitted responses and moved to dismiss plaintiff's appeal and deny his petition.

25. On 2 July 2004 plaintiff submitted a Supplement to Notice of Appeal.

26. On 3 July 2004 plaintiff submitted Plaintiff's Response to Defendants' Motion to Dismiss Appeal and Opposition to Petition for Discretionary Review.

27. On 12 July 2004 defendants Wades submitted their Response to plaintiff's Supplement to Notice of Appeal.

28. On 19 July 2004 defendants Wades submitted their Response to Plaintiff's Response to Defendants' Motion to Dismiss Appeal and Opposition to Petition for Discretionary Review.

29. On 22 July 2004 plaintiff submitted Plaintiff's Response to Defendants' Wades Response to Plaintiff's

Response to Defendants' Motion to Dismiss Appeal and Opposition to Petition for Discretionary Review.

30. On 13 December 2004 this Court's Clerk mailed out a letter along with the Court's order of 2 December 2004 allowing defendant Godley's motion of 1 July 2004 to dismiss the appeal and denied plaintiff's petition for discretionary review.

31. On 20 December 2004 the Clerk of the N.C. Court of Appeals mailed out an order certifying to the Clerk of Superior Court Mecklenburg County that the N.C. Supreme Court has allowed the Motion to Dismiss the Appeal and denied the Petition for Discretionary Review.

32. On 10 January 2005 Plaintiff submitted his Petition for a Writ of Certiorari to the N.C. Court of Appeals.

33. On 20 January 2005 defendants Wades submitted a timely Response to the Petition for Writ of Certiorari.

34. On 24 January 2005 defendant Godley submitted an untimely Response to the Petition for Writ of Certiorari.

35. On 28 January 2005 plaintiff submitted a Reply to the defendants' Responses.

36. On 31 January 2005 plaintiff received in the mail a copy of the N.C. Court of Appeal's order, dated 27 January 2005, denying his Petition for a Writ of Certiorari, verifying that the Petition was summarily denied prior to affording the *pro se* plaintiff a full and fair opportunity to present his case supporting his Petition and his above noted Reply to the related, additional allegations and contentions raised by the defendants Response beyond those raised in the plaintiff's Petition. (Attached herewith as Exhibit E, is a copy of said order)

37. On 2 February 2005 plaintiff wrote to the Clerk of this Court concerning questions regarding what to file to insure compliance with Rule 21, N.C. Rules of Appellate Procedure. (Attached herewith as Exhibit F, is a copy of said letter)

38. On 7 February 2005, the kind and gracious Clerk, Ms. Brannon, phoned plaintiff to inform him that he only need file the original Petition for a Writ of Certiorari, a copy of the 27 January 2005 order of the N.C. Court of Appeals, and a $10.00 check for the filing fee.

REASONS WHY WRIT SHOULD ISSUE

The writ should be granted because the opportunity of appealing has been lost as a result of the improper conduct in the inferior court and no fault
of the plaintiff.

"Where an opportunity of appealing has been lost by improper conduct in the inferior court a certiorari will be granted, without reference to the merits." Collins v. Nail, 14 N.C. 224 (1831); McConnell v. Caldwell, 51 N.C. 469 (1859)

I.

39. The record, as related above at paragraphs 14 – 16, clearly reflects that the improper conduct of Judge Gray, in violation of Rule 11(c), N.C. Rules of Appellate Procedure, and in the misleading instructions to the plaintiff coming from his courtroom clerk, precipitated the late filing of the record on appeal resulting in the loss of opportunity of appealing, notwithstanding the *pro se* plaintiff's good faith, diligent attempts to comply with both the Rules and Judge Gray's directions coming through his courtroom clerk.

40. The plaintiff complied with his responsibilities pursuant to the Rules of Appellate Procedure, concerning the settlement and filing of the record on appeal. Rules 11 and 12, only compel the appellate to take specific actions and no more and do not contemplate the actions of a trial judge who intentionally, improperly violates the Rules and further acts, through his courtroom clerk, with misleading instructions that result in the untimely settling and filing of the record on appeal by a *pro se* appellant who follows those instructions and acts in good faith.

41. Rule 11(c) mandates that "within 10 days after the appellee timely served amendments, objections or a proposed alternative record on appeal...appellant may in writing request the judge from whose order, judgment was taken to settle the record on appeal." Plaintiff complied with this by submitting his request to settle the record on appeal to Judge Gray on 12 March 2004, within the 10 day period of receiving Godley's timely 9 March 2004 Objection and Amendments to the Proposed Record on Appeal and of receiving the Wades untimely 12 March 2004 Proposed Alternative Record on Appeal. Copies of the request were sent to the defendants' lawyers.

42. At that point it was solely Judge Gray's responsibility as the trial judge, pursuant to Rule 11(c), to set the hearing to settle the record on appeal by "written notice to counsel for all parties setting a place and a time for a hearing to settle the record on appeal. The hearing shall be held not later than 15 days after service of the request for hearing upon the judge. The judge shall settle the record on appeal by order entered not more than 20 days after service of the request for hearing upon the judge." (Rule 11(c)) Judge Gray neither set the hearing to settle the record on appeal by written notice to all parties setting a time and place for a hearing nor did he subsequently settle the record on appeal by order entered not more than 20 days after plaintiff's request of 12 March 2004. This intentional violation of Rule 11(c) by Judge Gray constituted improper conduct in the inferior court.

43. When Judge Gray failed to comply with plaintiff's first Rule 11(c) request to settle the record on appeal the diligent plaintiff sent his second request to do so. On 25 March 2004, plaintiff sent Judge Gray, by U.S. Mail and by telefax, a second letter requesting the hearing be set to settle the record on appeal in compliance with Rule 11(c), and further inquired into Judge Gray's health or otherwise reasons for delay; copies were sent to defendants' lawyers.

44. In response, Judge Gray again violated Rule 11(c) by neither setting the hearing to settle the record on appeal by written notice to all parties setting a time and place for a hearing nor subsequently settling the record on appeal by order entered not more than 20 days after plaintiff's request of 25 March 2004. This second, intentional violation of Rule 11(c) by Judge Gray constituted further, improper conduct in the inferior court.

45. Instead of complying with Rule 11(c), Judge Gray's response to plaintiff's second request came early the next morning, on 26 March 2004, through his courtroom clerk directly to the plaintiff and in the authoritative form of explicit instructions. Plaintiff received a phone call from Judge Gray's courtroom clerk, Mr. Richard Lockhard, instructing the plaintiff to phone the scheduling clerk, Ms. Helen Stonestreet, to have a hearing date set to settle the record on appeal and then notice the defendants of same, and he informed plaintiff that Judge Gray was not ill, was retired, and perhaps could not conduct the hearing. Plaintiff immediately complied with the instructions, phoned Ms. Stonestreet informing her of the situation and she set a hearing date for 5 May 2004, and then sent defendants' lawyers a notice of the hearing date along with a cover letter explaining the development. Thus, at that point the plaintiff was in full compliance with Rule 11(c) and with the instructions of the trial judge coming through the authority of his courtroom clerk. The honest and truthful plaintiff fully followed the explicit instructions, trusting the responsive authority and instruction coming from Judge Gray's Courtroom Clerk's phone call. Interestingly, the explicit instructions did not include filing any other requests or notifications – such as for an extension of time, or re Rule 36, etc.

46. The diligent plaintiff took the further effort of phoning the office of Judge Grays' other clerk, Ms. Cathy Fletcher, to further inquire about Judge Gray's health and capacity. Miss Fletcher informed plaintiff that "Although

Judge Gray has been retired he still sits and hears cases and was on the bench here last week with a case. He appears well."

47. On 5 May 2004 plaintiff attended the scheduled hearing and was surprised to find Superior Court Judge Richard D. Boner presiding. The good Judge Boner rescued the appeal from legal limbo and subsequently settled the record on appeal by his ruling that day and with his order of 12 May 2004. Although Judge Boner had denied plaintiff's request to have his Memorandum included in the record on appeal Judge Boner advised plaintiff to petition the Court of Appeals to have it included – which the plaintiff subsequently did and which was denied.

48. Once the record on appeal is settled, Rule 12 then outlines the further responsibilities of the appellant: "Within 15 days after the record on appeal has been settled...the appellant shall file the record on appeal with the clerk of the court to which appeal is taken...at the time of filing shall pay the docket fee...need file but a single copy of the record on appeal..." Plaintiff complied with these requirements, submitting his single copy of the settled record on appeal, with the docket fee, on 21 May and which was then filed on 24 May 2004, well within the 15 day period 12 May order of Judge Boner settling the record on appeal.

Thus, the plaintiff was in compliance with his specific responsibilities pursuant to Rules 11 and 12 and in conjunction with the instructions of the trial judge coming through his courtroom clerk.

49. The defendants erroneously and deviously argued, in their motion to dismiss, trying to create an artificial time-line that attributed the delays caused by Judge Gray to the plaintiff and characterizing them as violations of the Rules by the plaintiff. The defendants also erroneously claimed that the plaintiff had an obligation to take action, pursuant to Rule 36(b), to remedy the delay problem caused by Judge Gray. However, this was also a red herring, as plaintiff explained in his response, because that Rule 36(b)

application is relevant only when the "judicial action, limited to a particular judge and that judge is unavailable for the purpose by reason of death, mental or physical incapacity or absence from the state." That application simply did not apply; as far as the plaintiff knew, believed, and/or had been informed, Judge Gray was not dead, was not mentally or physically incapacitated, and was not absent from the state.

50. Only Judge Gray's intentional violation and abuse of Rule 11 on two distinct occasions and the consequences of the explicit instructions from his courtroom clerk, all of which he alone was totally responsible for, caused the delay in settling the record on appeal and the late docketing of the settled record on appeal in the Court of Appeals and set the stage for the defense lawyers' subsequent motion to dismiss the appeal and rob the plaintiff of his right of appeal and justice.

51. The plaintiff's appeal was dismissed by the Court of Appeals' order of 8 June 2004 as a result of the defendant Godley's motion to dismiss the appeal "for failure to timely docket the appeal," submitted on 28 May 2004:

"Pursuant to the provisions of Rules 11, 27 and 36 of the North Carolina Rules of Appellate Procedure, Defendant-Appellee Margaret L. Godley moves the Court to dismiss the Plaintiff-Appellant's appeal for failure to timely docket the appeal."

52. However, the facts and the record reflect that any failure by the plaintiff to timely docket the appeal with the N.C. Court of Appeals was without fault on the part of the plaintiff, and the direct result of actions by Judge Gray reflecting his improper, intentional, non-compliance with Rule 11(c) on two occasions and his further misleading instructions to the plaintiff through his courtroom clerk. The honest and truthful *pro se* plaintiff, in good faith, diligently tried to comply with and respect both the Rules and the instructions from the trial judge; to have done otherwise would be wrong.

53. Had Judge Gray complied with his responsibilities pursuant to Rule 11(c) and set the hearing to settle the record on appeal by written notice to all parties setting a time and place for a hearing and then subsequently settled the record on appeal by order entered not more than 20 days after plaintiff's first request of 12 March 2004, and/or plaintiff's second request of 25 March 2004, the record on appeal would have been properly settled by Judge Gray, the trial judge, as it should have been, and the appeal would have subsequently been timely docketed by the plaintiff.

Case law authority mandates Judge Gray's absolute "duty," responsibility, without discretion, to comply with Rule 11(c):

"appellant had the right to request the judge to settle the case, and having complied with the provisions of the statute as to requesting the judge to fix the time and place for that purpose and forwarding to him the case on appeal, and objections so filed, it became the duty of the judge to fix a time and place for settling the case on appeal, and, at that time and place to settle and sign the case. The failure of the judge to settle the case on appeal...is error." Chozen Confections v. Johnson, 17 S.E.2d 505, 220 N.C. 432.

54. The *pro se* plaintiff's right to statutory appeal has been lost without his fault. Plaintiff deserves no blame, let alone the extreme, unjust, draconian penalty of the loss of his right of appeal and justice, for the improper conduct of Judge Gray who intentionally violated and abused Rule 11(c) on two occasions and then initiated further misleading instructions through his courtroom clerk to the plaintiff, all of which resulted in the "failure to timely docket the appeal" of which defendant Godley complained and moved - and as a result of which plaintiff's appeal was dismissed, and he was robbed of his right of statutory appeal without considering or adjudicating its merits.

55. Any whining accusations by the defendants that plaintiff is guilty of "vilification" are totally without

merit. Plaintiff is an absolutely honest and truthful and honorable man that speaks the truth the way it is. The problem is that truth is ugly, but only so because the evil, corrupt defendants and their dishonest, deceitful, corrupt lawyers have made it so. Their problem is they can't stand the truth and their ugly, vilified image it mirrors back at them.

These ruthless, career criminal defendants practice endless rhetoric that rambles on and on repeating the specifics and quoting the truthful, ugly facts from the plaintiff's recitations of the facts, criticizing the plaintiff for raising the ugly facts; however, they never offer one scintilla of contradictory fact or evidence. Instead of being able to refute the ugly truth they chastise the plaintiff for raising it – largely because they cannot face its' ugly, repugnant nature and accept it for what it is. Their diatribes then usually conclude with their mocking and condemning the judgment which reflects the justice of the Hon. Federal District Judge Joseph M. Hood and the three venerable judges on the Sixth Circuit that fully affirmed the judgment. However, when it comes to relying upon the honor, integrity, justice, wisdom, and fairness of those distinguished jurists or the hollow contentions and whining of the evil, corrupt defendants and their dishonest, deceitful, corrupt lawyers, there is little question about what faction to trust and believe in.

56. In light of the circumstances, granting the petition is simply the right thing to do, the fundamentally fair thing to do, the just thing to do. The legal issues presented in plaintiff's appeal are very serious and concern contentions of legal errors and erroneous rulings by the inferior court inconsistent with and in violation of U.S. Constitutional protections, Full Faith and Credit law, and controlling case law authority of the U.S. Supreme Court, the Sixth, Fourth, and Federal U.S. Courts of Appeals, this Honorable Court and the North Carolina Court of Appeals – as evidenced in Exhibit A, at pages 7 - 44. The merits of those issues deserve

to be fairly and fully adjudicated in a fair appeal as a matter of justice and fundamental fairness.

II.

57. The improper conduct in the inferior court by the defense lawyers, documented in paragraphs 8 – 11, supra, contributed to plaintiff's loss of opportunity to appeal, a fair appeal, and justice. Said improper conduct by the defense lawyers resulted in the following: (a) the loss by plaintiff of the opportunity of appealing, (b) the gross misrepresentation and corruption of Judge Gray's ruling resulting in a dishonest, deceptive, subverted, fatally defective, unfair, unjust and highly prejudicial order, (c) the prejudicing and sabotaging of plaintiff's case on appeal and denial of a fair appeal as of right, (d) the deception and defrauding of the appeals courts with the dishonest and deceptive order, (e) the sleazy manipulation of the home town judge and court, (f) the taking of unfair advantage of the honest and truthful, *pro se*, farmer plaintiff, (g) the deceitful and unjust sabotaging and preventing of the enforcement and collection of the valid foreign judgment in violation of the controlling constitutional, full faith and credit, and other controlling superior case law authority compelling its enforcement, (h) the perpetration of these related predicate acts to further deny plaintiff fundamental fairness and justice, and to further enhance and compound the defendants prior and ongoing pattern of illegal acts, from 1993 to date, to steal from, defraud, seriously damage the plaintiff and deny him due process, while perpetrating all of the foregoing under color of North Carolina law and in violation of plaintiff's Fourteenth Amendment rights and U.S. Constitutional Full Faith and Credit authority by the dishonest, corrupt, defense lawyers in concert with their evil, corrupt, clients.

58. An honest order would have reflected only, and explicitly, Judge Gray's ruling, nothing more or less. The order should not have served as a dishonest, deceitful, treacherous vehicle for the unprincipled, rogue, dishonest,

defense lawyers to use to corrupt and taint the actual ruling and the appeal to gain unfair advantage over the *pro se*, farmer plaintiff. These latest two dishonest proposed orders incidents, along with the defense lawyers' previous reprehensible actions, re their *ex parte* conversations, blatant lying to the court, etc., evidences their corrupt, dishonest nature and mean-spirited mindset which reflects the same total lack of integrity as their evil, corrupt clients.

59. The two, distinct, dishonest, deceptive proposed orders clearly document and prove that the defense lawyers are brazenly dishonest and deceptive. Dishonest is as dishonest does. They tried on two separate occasions to deceive and defraud this Court, with their first dishonest, deceptive proposed order of 11 December and then again on the following day with their second distinct, dishonest, deceptive proposed order of 12 December. Their second effort succeeded. Hopefully, the corrupt, dishonest defense lawyers' brazen efforts to deceive and defraud this Honorable Court through their two, distinct, dishonest, deceptive, proposed orders ploys will not go unnoticed. Such egregious, intentional, dishonest, deceitful misconduct by North Carolina lawyers can hardly be simply ignored, condoned, tolerated and permitted to escape accountability. Allowing rogue lawyers like these to perpetrate such actions with impunity sets a dangerous precedent. Rather, such rogue lawyers should be cast from the practice of law in North Carolina, just as their rogue, disbarred, lawyer clients, the Wades, were several years ago, to protect the honest and honorable North Carolina lawyers from the evil cancer of ruthless dishonesty that such rogue, scoundrel, lawyers practice.

Unfortunately, these dishonest, deceitful, corrupt, defense lawyers and their career criminal clients, the disbarred lawyer Wades, exemplify those lawyers described by the Honorable Chief Justice of the United States Supreme Court, Warren Burger, when he said "75 to 90 percent of

American Trial Lawyers are incompetent, dishonest, or both."

III.

60. The cumulative affect of the improper conduct by both Judge Gray and the defense lawyers resulted in the plaintiff's loss of opportunity of appealing, his right of appeal, and grave injustice. Said improper conduct includes the following:

(a) The improper conduct in the inferior court by Judge Gray, as related in paragraphs 5 – 7, supra, documenting his willful and intentional refusal (a) to comply with the controlling constitutional and case law authority presented in plaintiff's Memorandum, or even (b) to afford that Memorandum and the authority cited within proper consideration, construction and review prior to ruling, pursuant to Boswell v. Mayer, 169 F.3d 384 (6th Cir. 1999)

These two distinct episodes of improper conduct and disrespect for the N.C. Rules of Appellate Procedure also reflect Judge Gray's extreme bias and prejudice against the *pro se* plaintiff and his case.

(b) The improper conduct in the inferior court by Judge Gray, as related in paragraphs 14 – 16, supra, document his willful and intentional violation of Rule 11(c), N.C. Rules of Appellate Procedure on two distinct occasions which were then further compounded by his subsequent misleading, highly prejudicial, and subversive instructions coming from his courtroom clerk to the plaintiff.

These three additional distinct episodes of improper conduct also further reflect, in addition to the prior two noted episodes, Judge Gray's ongoing, extreme bias and prejudice against the *pro se* plaintiff and his case.

(c) The improper conduct in the inferior court by the defense lawyers, as related in paragraphs 8 – 11, supra, documents their willful, intentional, mean spirited, reprehensible, dishonest, deceitful, actions to: (a) unjustly

deprive plaintiff of the opportunity of appealing, his right of a fair appeal, and justice, (b) grossly misrepresent and corrupt Judge Gray's ruling resulting in a dishonest, deceptive, subverted, fatally defective, unfair, unjust and highly prejudicial order, (c) prejudice and sabotage plaintiff's case on appeal, (d) deceive and defraud this Supreme Court and the North Carolina Court of Appeals with the dishonest and deceptive order, (e) underhandedly manipulate the home town judge and court, (f) take unfair advantage of the honest and truthful, *pro se*, farmer plaintiff, (g) further sabotage and prevent the just enforcement and collection of the valid foreign judgment in further violation of the controlling constitutional, full faith and credit, and other controlling superior case law authority compelling its enforcement, (h) perpetrate these related predicate acts to further deny plaintiff fundamental fairness and justice, (i) perpetrate these related predicate acts to further enhance and compound the defendants prior and ongoing pattern of predicate acts, from 1993 to date, to steal from, defraud, seriously damage plaintiff and deny him due process, while perpetrating all of the forgoing under color of North Carolina law and in violation of plaintiff's Fourteenth Amendment rights and U.S. Constitutional Full Faith and Credit authority in concert with their evil, corrupt, clients.

This blatantly dishonest, deceitful conduct by the defense lawyers clearly exposes, evidences and documents their devious, dishonest, treacherous, ruthless, *mens rea* and reflects the same lack of integrity as their corrupt, evil clients. It also evidences the defense lawyers shameful and brazen willingness to: (1) taint and subvert the appeals process, (2) deceive and defraud this Supreme Court, (3) grossly corrupt a ruling by a superior court judge, (4) ruthlessly violate plaintiff's right to a fair appeal, fundamental fairness, and justice, (5) actively engage in further predicate corrupt acts, in concert with their corrupt clients, to compound and enhance the prior pattern of predicate acts by their evil clients to steal the plaintiff's

money, defraud the plaintiff, and defeat his just recovery of his damages awarded him by the just, valid, judgment of the U.S. Federal District Court in Pikeville, Kentucky and as affirmed by the U.S. Court of Appeals for the Sixth Circuit.

61. Hopefully, this Court will decide to do the right thing, the fundamentally fair thing, the just thing in this classic, long, ongoing battle between the forces of good and the forces of evil, where the forces of righteousness and justice include the honorable and just Federal Judge Joseph M. Hood and the three venerable Judges on the Sixth Circuit Court of Appeals standing solidly beside the honest and honorable plaintiff in his David vs. Goliath battle against the forces of evil and injustice, which include the incorrigibly "evil"(as characterized by Judge Hood) and totally corrupt defendants, and their dishonest, deceitful, corrupt lawyers.

ATTACHMENTS

Attached to this petition for the consideration of the Court are the following Exhibits, pertinent to the petition:

1. Exhibit A, copy of plaintiff's Memorandum, without its exhibits, dated 4 December 2003.
2. Exhibit B, copy of defendants' first proposed order and cover letter, dated 11 December 2003.
3. Exhibit C, copy plaintiff's E-Mail message of 11 December 2003.
4. Exhibit D, copy of plaintiff's Affidavit, dated 10 January 2005.
5. Exhibit E, copy of the Order of the North Carolina Court of Appeals, dated 27 January 2005, denying his Petition for a Writ of Certiorari.
6. Exhibit F, copy of plaintiff's letter of 2 February 2005 to the Clerk of this Court.

ISSUES TO BE BRIEFED

I. DID THE LOWER COURT COMMIT REVERSIBLE ERROR AS A MATTER OF LAW IN CONCLUDING THAT PLAINTIFF FAILED TO COMPLY WITH THE UNIFORM INFORCEMENT OF FOREIGN JUDGMENTS ACT AND THE NORTH CAROLINA

RULES OF CIVIL PROCEDURE, BECAUSE THIS HOLDING IS CONTRARY TO CONTROLLING CASE LAW AUTHORITY?

* * *

II. DID THE LOWER COURT COMMIT REVERSIBLE ERROR AS A MATTER OF LAW IN HOLDING THAT PLAINTIFF'S FOREIGN JUDGMENT FOR MONEY DAMAGES IS UNENFORCEABLE AS VIOLATING NORTH CAROLINA PUBLIC POLICY, BECAUSE THE CONCLUSION IS CONTRARY TO CONTROLLING CASE LAW AUTHORITY?

* * *

III. DID THE LOWER COURT COMMIT REVERSIBLE ERROR AS A MATTER OF LAW IN FAILING TO ENFORCE PLAINTIFF'S VALID FOREIGN JUDGMENT, BECAUSE ENFORCEMENT IS COMPELLED BY CONTROLLING CASE LAW AUTHORITY AND THE FULL FAITH AND CREDIT CLAUSE OF THE U.S. CONSTITUTION?

* * *

IV. DID THE LOWER COURT COMMIT REVERSIBLE ERROR AS A MATTER OF LAW IN FAILING TO PROPERLY CONSIDER THE PRO SE PLAINTIFF'S MEMORANDUM AND THE CASE LAW AUTHORITY WITHIN THE MEMORANDUM, BECAUSE THAT VIOLATED THE FOURTEENTH AMENDMENT AND ITS GUARANTEES OF EQUAL JUSTICE, FUNDAMENTAL FAIRNESS AND DUE PROCESS?

* * *

Wherefore, the petitioner respectfully moves this Court to issue its writ of certiorari to the Superior Court of Mecklenburg County to permit review of the order above specified, upon errors noted above in the Issues to be Briefed and that the petitioner have such other relief as to the Court may seem just.

Respectfully submitted, this 14th day of February, 2005.

S/ Paull Anderson, pro se
P.O. Box 16151
Bristol, Virginia 24209
(276) 466-5855

VERIFICATION

The undersigned petitioner, after being duly sworn, says:

The contents of the foregoing petition are true to my knowledge, except those matters stated upon information and belief and, as to those matters, I believe them to be true.

S/ Paull Anderson

City of Bristol, Tennessee
Sworn to and subscribed before me, this 14 day of February, 2005.
My commission expires 3-15-2005 S/ Sue T. Hughes
Notary Public

CERTIFICATE OF SERVICE

This is to certify that on 14 February, 2005, the original of this Petition for Writ of Certiorari was submitted to the Clerk of the N.C. Supreme Court for filing, and that true copies of the foregoing have also been mailed, first class, postage prepaid, to the following defendants' lawyers:

William K. Diehl, Jr.
John S. Arrowood
600 South College Street
Charlotte, N.C. 28202

Michael F. Schultze
2813 Coltsgate Road
Suite 200
Charlotte, N.C. 28211

S/ Paull Anderson

APPENDIX B - AFFIDAVIT - EXHIBIT D TO THE PLAINTIFF'S PETITION FOR WRIT OF CERTIORARI TO THE NORTH CAROLINA SUPREME COURT

No. COA04-715 TWENTY-SIXTH DISTRICT

NORTH CAROLINA SUPREME COURT

PAULL ANDERSON,	)	
	)	
Plaintiff,	)	
	)	From
vs.	)	Mecklenburg County
	)	No. 03-CVS-16356
JULIUS JENNINGS	)	
WADE, JR.,	)	
JAMES H. WADE,	)	
MARGARET	)	
L. GODLEY, GODLEY,	)	
INC., and WADE AND	)	
WADE, ATTORNEYS AT	)	
LAW,	)	
Defendants.	)	

PLAINTIFF'S AFFIDAVIT

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

Comes now the Plaintiff, Paull Anderson, pro se, being first duly sworn, deposes and says:

1. On 12 March 2004, pursuant to Rule 11(c), N.C. Rules of Appellate Procedure, plaintiff submitted his

request to settle the record on appeal to Judge Gray; copies were sent to defendants' lawyers. Judge Gray did not respond to the request, did not schedule a hearing to settle the record on appeal, and otherwise comply with Rule 11(c). (A copy of said request is at Page 176, (R.p. 176), of the printed record on appeal)

2. On 25 March 2004, plaintiff sent Judge Gray, by U.S. Mail and by telefax, a second letter requesting the hearing be set to settle the record on appeal in compliance with Rule 11(c), and which further inquired into Judge Gray's health or otherwise reasons for delay; copies were sent to defendants' lawyers. (A copy of said second request is at Page 177, (R.p. 177), of the printed record on appeal)

3. The following morning, on 26 March 2004, plaintiff received a phone call from Judge Gray's Courtroom Clerk, Mr. Richard Lockhard, instructing the plaintiff to phone the scheduling clerk, Ms. Helen Stonestreet, to have a hearing date set to settle the record on appeal and then notice the defendants of same, and he informed plaintiff that Judge Gray was not ill, was retired, and perhaps could not conduct the hearing. Plaintiff immediately complied with the instructions, phoned Ms. Stonestreet informing her of the situation and she set a hearing date for 5 May 2004, and then sent defendants' lawyers a notice of the hearing date along with a cover letter explaining the development. (A copy of said notice and cover letter is at Pages 178-179, (R.p. 178-179), of the printed record on appeal)

4. Plaintiff also took the trouble of phoning the office of judge Gray's other clerk, M. Cathy Fletcher, to inquire about Judge Gray's health and capacity. She informed plaintiff that "Although Judge Gray has been retired he still sits and hears cases and was on the bench here last week with a case. He appears well."

5. At that point the plaintiff felt he was acting in good faith and in full compliance with the North Carolina Rules of Appellate Procedure and in conjunction with the

instructions of the trial judge coming through the authority of his Courtroom Clerk, Mr. Lockhard.

6. If necessary, the plaintiff can provide transcripts of both of the above described phone calls: from Mr. Lockhard to the plaintiff, and from the plaintiff to Ms. Fletcher.

This 10th day of January, 2005.

s/ Paull Anderson
P.O. Box 16151
Bristol, VA 24209
(276) 466-5855

SWORN TO and subscribed before me
This 10th day of January, 2005.

s/ Sue T. Hughes
Notary Public

My Commission Expires: 3-15-2005

CERTIFICATE OF SERVICE

This is to certify that on 10 January 2005 copies of the foregoing Affidavit were duly served on the defendants' lawyers via first class mail, postage prepaid, to their addresses:

John S. Arrowood
William K. Diehl, Jr.
600 South College Street
Charlotte, N.C. 28202

Michael F. Schultze
2813 Coltsgate Road, Suite 200
Charlotte, N.C. 28211

s/ Paull Anderson